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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,130	08/30/2006	Michael Llewellyn Spicer	4505-1050	7336
466	7590	11/27/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER LIU, JONATHAN	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,130

Applicant(s)

SPICER ET AL.

Examiner

Jonathan J. Liu

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/30/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19, 21-24, 26-27, and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Deikel (US 4,069,526). Deikel discloses a bed covering characterized in that it includes an air permeable part (26 is *inherently* air permeable), a first warmth retention (e.g. 16 or 28) section coupled to the air permeable part and a cover section (14) at least part of which is detachable to enable ventilation to occur through said air permeable part.

In regards to claim 21, the air permeable part is coupled to a tuck in panel or flap (28).

Regarding claim 22, the first warmth retention (16) section is coupled to the air permeable part by a sheet of fabric (40, 42, 44).

With regards to claim 23, the first warmth retention part (16) is coupled directly to the air permeable part by being sewn or otherwise fastened thereto.

Regarding claim 24, the first warmth retention part (e.g. 16 or 28) is a duvet (col. 2, lines 61-64).

In regards to claim 26, the cover section is in the form of a second warmth retention part which is coupled by a coupling arrangement (Deikel: 38, 44) to the bed

covering and incorporates a releasable fastening whereby the second warmth retention part is releasably fastenable to overlie the air permeable part.

Regarding claim 27, the coupling arrangement is a releasable coupling (Deikel: 38, 44).

With regards to claim 30, the first and second warmth retention parts are blankets (Deikel: col. 2, lines 61-64).

In regards to claim 31, the second warmth retention part is a duvet (Deikel: col. 2, lines 61-64).

Regarding claim 32, the cover section is formed in two parts (Deikel: 14, 16).

With regards to claim 33, the two parts are releasably joined together (Deikel: 38, 44).

In regards to claim 34, the two parts are joined along adjacent edges by a zipper fastener (Deikel: 38, 44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deikel (US 4,069,526) in view of Malicki (US 3,325,832). Deikel discloses the invention of claim 19. However, Deikel does not teach wherein the air permeable part is a perforated, mesh, or similar material. Malicki teaches a bed covering (10) comprising

a perforated blanket (14). Deikel and Malicki are analogous because they are from the same field of endeavor, i.e. bed coverings. It would have been obvious to modify the air permeable part of Deikel (e.g. 26) to be that of Malicki. The motivation would have been to provide vents for excess body heat (Malicki: col. 1, lines 20-36). Therefore, it would have been obvious to modify the bed covering (e.g. 26) of Deikel as specified in claim 20.

Regarding claim 35, the cover section (Deikel: 14) is in the form of a second warmth retention part which is coupled by a coupling to the bed covering and incorporates a releasable fastening whereby the second warmth part is releasably fastenable to overlie the air permeable part (see figure 2 of Deikel).

In regards to claim 36, the first and second warmth retention parts are blankets (Deikel: col. 2, lines 61-64).

Regarding claim 37, the first and second warmth retention parts are duvets (Deikel: col. 2, lines 61-64).

With regards to claim 38, the cover section is formed in two parts (Deikel: 14, 16).

Regarding claim 39, the two parts are releasably joined together (Deikel: by means of 38, 44).

5. Claims 25, 28, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deikel (US 4,069,526). Regarding claims 25 and 40, although Deikel is silent to whether the duvets comprise covers, such construction is well known in the art. Accordingly, it is within an ordinary level of skill in the art to provide each of the

duvets of Deikel with covers, in order to easily clean the bed coverings – one would only need to clean the covers as opposed to the entire assembly. Therefore, it would have been obvious to include duvet covers with the invention to Deikel as specified in claims 25 and 40.

In regards to claim 28, the second warmth retention part (16) is arranged so that it is *capable of* being rolled up when the coupling arrangement has been released.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deikel (US 4,069,526) in view of Licht (US 2,711,546). Deikel teaches the invention of claim 28. However, Deikel does not teach a retention device. Licht teaches a bed covering comprising a retention device (28) to retain the bed covering in the rolled up state (see figure 8). Deikel and Licht are analogous because they are from the same field of endeavor, i.e. bed coverings. It would have been obvious to modify the second warmth retention part of Deikel to have straps (as evidenced by Licht) in order to roll up the bed covering into a compact bundle (Licht: col. 4, lines 21-24). Therefore, it would have been obvious to modify the invention to Deikel as specified in claim 29.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia Engle
Supervisory Patent Examiner
Art Unit 3673
11-21-07

Jonathan Liu
Patent Examiner
Art Unit 3673